

Message Text

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ORIGIN L-02

INFO OCT-01 EUR-12 IO-10 ISO-00 CU-02 BIB-01 SAJ-01 NEA-10

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FM SECSTATE WASHDC

TO USMISSION GENEVA IMMEDIATE

INFO AMEMBASSY MOSCOW

USMISSION NATO

C O N F I D E N T I A L STATE 137521

E.O. 11652: GDS

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE POLICY: HUMAN CONTACTS - RELIGIOUS TRAVEL

REF: GENEVA 4392

1. WE UNDERSTAND PRESSURES ON DELEGATION TO MOVE FORWARD
IN TRAVEL TEXT BUT CONTINUE TO FIND REFERENCE TO RELIGIOUS
INSTITUTIONS, ORGANIZATIONS AND FAITHS "PRACTISING
WITHIN THE CONSTITUTIONAL FRAMEWORK" OF THE PARTICIPA-
TING STATES TROUBLESOME AND POSSIBLY PREDJUDICIAL
TO THE HUMAN RIGHTS PRINCIPLE IN THE DECLARATION OF
PRINCIPLES, WHICH WOULD BE INTERPRETED BY SOVIETS IN
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THE LIGHT OF THE RELIGIOUS TRAVEL TEXT. WE NOTE

THAT U.K. IS AWAITING INSTRUCTIONS ON THIS POINT.

ACCORDINGLY, DELEGATION SHOULD PURSUE OPTION A REFTEL

AND KEEP DEPT ADVISED OF DEVELOPMENTS. DELEGATION

MAY ALSO EXPLORE POSSIBILITY OF REFERRING TO UNIVERSAL DECLARATION OR THE CSCE HUMAN RIGHTS PRINCIPLE RATHER THAN CONSTITUTIONAL FRAMEWORK OF THE PARTICIPATING STATES.

2. REFERENCE TO "CONSTITUTIONAL FRAMEWORK", AS DUBININ WELL KNOWS, IS NOT THE EQUIVALENT OF ARTICLE 29 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. ARTICLE 29 ALLOWS ONLY SUCH LIMITATIONS ON THE EXERCISE OF HUMAN MEETING THE JUST REQUIREMENTS OF MORALITY, PUBLIC ORDER AND THE GENERAL WELFARE IN A DEMOCRATIC SOCIETY.

THOUGH ARTICLE 124 OF SOVIET CONSTITUTION RECOGNIZES FREEDOM OF RELIGIOUS WORSHIP, ARTICLE 130 STATES THAT IT IS THE DUTY OF EVERY CITIZEN TO OBSERVE THE LAW, HONESTLY TO PERFORM PUBLIC DUTIES, AND TO RESPECT THE RULES OF SOCIALIST INTERCOURSE. THIS PROVISION, AND OTHERS, THE SOVIETS VIEW AS PROVIDING CONSTITUTIONAL JUSTIFICATION FOR BANNING ACTIVITIES OF UNDESIRABLE RELIGIOUS AND OTHER GROUPS. WE DOUBT, FOR EXAMPLE, THAT DISSIDENT JEWISH GROUPS WOULD BE REGARDED AS PRACTISING WITHIN THE SOVIET CONSTITUTIONAL FRAMEWORK AND WE WOULD BE CONCERNED THAT TEXT UNDER DISCUSSION WOULD BE VIEWED AS COUNTERPRODUCTIVE BY JEWISH ORGANIZATIONS REFERRED TO PARA 7 REFTTEL.

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